

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 6-8 has been amended and claim 9 and 10 have been added. Thus, claims 6-10 are pending for further examination.

In view of the amendments, Applicant believes that the double patenting rejection is obviated. Thus, a Terminal Disclaimer is not being submitted at this time.

Claim 6 has been rejected under 35 USC 103 as being obvious over Martin et al. (US 5,355,302) in view of Hendricks et al. (US 6,408,437). For at least the following reasons, Applicant respectfully submits that currently amended independent claim 6 is not rendered obvious by the cited references.

Prior to addressing these rejections, Applicant points out that none of the arguments for patentability presented during prosecution of the parent application are being relied on during prosecution of this application. The reason for this express disclaimer of the prior arguments in the parent application is to avoid any possible confusion over this point and in view of the fact that the claims currently presented in this application are materially different from those prosecuted in the parent application.

While Applicant does not acquiesce to the outstanding rejection, Applicant has amended the claims herein in a manner that is believed to more clearly and patentably distinguish the cited references. Thus, reconsideration and withdrawal of the rejections are respectfully requested.

First, Applicant notes that the Examiner has not cited any reference or provided any supporting argument that sufficiently establishes that, at the time of the instant invention, the use of a multitasking operating system on a **jukebox device** to enable simultaneous operation of a microprocessor, a display, an audio arrangement and a communication system was known to one skilled in the art. Moreover, while Hendricks teaches updating of software on a set-top box terminal for a television, there is no teaching or suggestion in Hendricks, even if properly combined with Martin, to provide a jukebox device with software that can be remotely updated as claimed. A fee-based jukebox system is very different than a residential TV box application and there is no basis to conclude that one skilled in the art would consider combining the teachings of these references in the manner claimed. While Martin teaches to update songs on a jukebox device there is no teaching or suggestion that any software on the jukebox could be updated remotely, and Hendricks cannot be properly used to overcome this deficiency. Claim 6 has been further amended to require the step of providing a management function that enables an authorized manager of the jukebox device to locally access and selectively modify operating settings for the jukebox device through use of the touchscreen display. This feature is not taught or suggested by the cited references. Claim 6 has further been amended to require that the display be a touchscreen display. Reconsideration and withdrawal of this rejection for at least these reasons are respectfully requested.

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Applicant respectfully submits that dependent claims 7-10 are allowable at least by virtue of their dependence from allowable currently amended independent claim 6. Moreover there is no teaching or suggestion in the cited references to provide the second management function defined in new claim 10. Thus, Applicant respectfully submits that all pending claims are allowable over the prior art of record and are in condition for allowance.

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

Respectfully submitted,

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